



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 30 1991

OFFICE OF
CIVIL RIGHTS

CERTIFIED MAIL #Z 480 247 196
RETURN RECEIPT REQUESTED

In Reply Refer to:
EPA File No. 3R-00-R4

Reverend Louis Coleman
Justice Resource Center
1600 Envoy Circle, Suite 1614
Louisville, Kentucky 40229

Re: REQUEST FOR CLARIFICATION/PARTIAL REJECTION OF
ADMINISTRATIVE COMPLAINT

Dear Reverend Coleman:

This letter is in reference to the administrative complaint you filed on June 6, 2000, with the U.S. Environmental Protection Agency's (EPA) Office of Civil Rights (OCR), concerning the Morris Foreman Wastewater Treatment Plant (Sewage Treatment Plant), located in West Louisville, Kentucky. Your complaint alleged that both the Louisville and Jefferson County Metropolitan Sewer District (Metropolitan Sewer District or MSD) and the Kentucky Natural Resources Cabinet have violated Title VI of the Civil Rights Act of 1964, as amended, (Title VI), 42 U.S.C. § 2000d *et seq.*, and the EPA's Title VI implementing regulations found at 40 C.F.R. Part 7.

Under Title VI, a recipient of federal financial assistance may not discriminate on the basis of race, color, or national origin. Pursuant to EPA's Title VI implementing regulations, OCR conducts a preliminary review of Title VI complaints for acceptance, rejection, or referral. 40 C.F.R. § 7.120(d)(1). A complaint must meet the jurisdictional requirements described in EPA's Title VI regulations for investigation. 40 C.F.R. § 7.120. First, it must be in writing. Second, it must describe an alleged discriminatory act which violates EPA's Title VI regulations (*i.e.*, an alleged discriminatory act based on race, color, or national origin). Third, it must be filed within 180 days of the alleged discriminatory act. Fourth, because EPA Title VI regulations only apply to recipients of EPA assistance, the complaint must identify an EPA recipient that allegedly committed the discriminatory act. 40 C.F.R. § 7.15.

In your complaint, you allege that the "Metropolitan Sewer District has been dumping untreated sludge in a brick-lined pit in the West end of Louisville, Kentucky and that you have requested groundwater monitoring repeatedly over the past eight months." You also allege that you "have further called for the sewer authority to address odors from the facility that permeate

[y]our community day and night.” You further allege that “this year [2000], MSD has proposed to build a sludge pelletization plant next to the existing sewage treatment plant,” and that this decision “was made without any public hearing or input from the impacted community.”

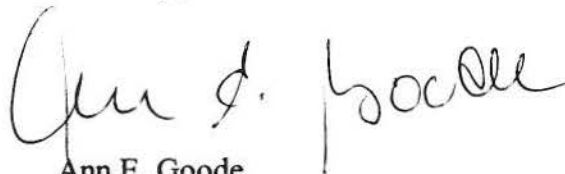
EPA is concerned about these allegations, however, EPA’s Title VI regulations require that complaints must be filed within 180 days of the alleged discriminatory act and must identify an EPA recipient that allegedly committed the discriminatory act. With regard to your allegation that MSD proposed building a new sewage plant without any public hearing or input, in order to determine whether the complaint is timely filed, OCR will need to know the date when the decision to construct was made. Additionally, with regard to the allegations that MSD has failed to conduct requested ground water monitoring and to address complained of odors from the sewage treatment plant, OCR will also need information on when those requests or complaints were made and/or denied.

Please submit the requested information within 45 calendar days of receipt of this letter. If you fail to submit the requested information within this period, OCR will not accept these allegations for investigation.

Finally, you have not made any specific allegations of discriminatory acts by the Kentucky Natural Resources Cabinet, even though it is named in your complaint. Therefore, OCR is rejecting your complaint against the Kentucky Natural Resources Cabinet.

If you have any questions, please contact Yasmin Yorker of my staff by telephone at (202)564-7272, by e-mail at yorker.yasmin@epa.gov, or by mail to the U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ann E. Goode".

Ann E. Goode
Director

cc: James Bickford, Secretary
Kentucky Natural Resources and Environmental Protection Cabinet

Gordon Garner, Executive Director
Louisville/Jefferson County Metropolitan Sewer District

Anna Wolgast, Acting General Counsel
Office of General Counsel (MC 2310A)

Rafael DeLeon, Associate General Counsel
Civil Rights Law Office (MC 2399A)

Sylvia Lowrance, Acting Assistant Administrator
Office of Enforcement and Compliance Assurance (MC 2201A)

Barry E. Hill, Director
Office of Environmental Justice (MC 2201A)

Marsha Minter, Special Assistant
Office of the Administrator (MC 1103A)

A. Stanley Meiburg, Acting Regional Administrator
EPA Region IV

Nancy Tommelleo, Title VI Coordinator
EPA Region IV

Diane Regas, Acting Assistant Administrator
Office of Water (MC 4101)

Robert Klepp, Title VI Contact
Office of Water (MC 4203M)

Michael H. Shapiro, Acting Assistant Administrator
Office of Solid Waste & Emergency Response (MC 5101A)

Steve Heare, Title VI Contact
Office of Solid Waste & Emergency Response (MC 5303W)